

House Study Bill 163 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON HEIN)

A BILL FOR

1 An Act relating to dam reconstruction standards.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.275, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. Notwithstanding design criteria and
4 guidelines for Iowa dams adopted by the department, all of the
5 following standards shall apply to a person reconstructing a
6 dam that was damaged due to a natural disaster who files an
7 application under subsection 3:

8 a. The person reconstructing the dam is only required to
9 possess the flooding easements or ownership which were held
10 prior to the reconstruction as long as the former normal
11 pool elevation is not exceeded by the reconstructed spillway
12 elevation.

13 b. Flooding easements or ownership are only required to the
14 top of the reconstructed spillway elevation.

15 Sec. 2. Section 481A.14, Code 2013, is amended to read as
16 follows:

17 **481A.14 Dams — fishways.**

18 It shall be unlawful for any person, firm, or corporation
19 to place, erect, or cause to be placed or erected, any dam or
20 other device or contrivance in such manner as to hinder or
21 obstruct the free passage of fish up, down, or through such
22 waters, except as otherwise provided in this chapter. Dams for
23 manufacturing or other lawful purposes may be erected across
24 the waters of the state. No permanent dam or obstruction
25 across such waters shall be erected or maintained which is not
26 provided with a fishway, except by written approval of the
27 director, nor shall any pumping station or plant except sand
28 pumping and dredging machines, in or connected with such waters
29 be constructed or operated except by written approval of the
30 director, which is not provided with screens to prevent fish
31 from entering the pumping station or plant. Such fishways and
32 screens shall be constructed and used according to the plans
33 and specifications prepared and furnished by the director. The
34 department shall not require a fishway for a dam reconstructed
35 due to a natural disaster which has a reconstructed spillway

1 elevation of more than thirty feet. Any dam, obstruction, or
2 pumping plant which is not so constructed is a public nuisance
3 and may be abated accordingly.

4 EXPLANATION

5 This bill relates to dam reconstruction standards.

6 The bill provides that, notwithstanding design criteria and
7 guidelines for Iowa dams adopted by the department of natural
8 resources, certain standards apply to the reconstruction
9 of a dam damaged due to a natural disaster. The standards
10 include that the person reconstructing the dam is only required
11 to possess flooding easements or ownership which were held
12 prior to the reconstruction as long as the former normal
13 pool elevation is not exceeded by the reconstructed spillway
14 elevation and the flooding easements or ownership are only
15 required to the top of the reconstructed spillway elevation.

16 The bill prohibits the department from requiring a fishway
17 for a dam reconstructed due to a natural disaster which has a
18 reconstructed spillway elevation of more than 30 feet.